

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CEMCO LLC,

Plaintiff,

v.

KPSI INNOVATIONS, INC et al.,

Defendant.

CASE NO. C23-0918JLR

ORDER

Before the court is Plaintiff CEMCO LLC's ("CEMCO") *ex parte* motion for a one-week extension to file a second amended complaint. (Mot. (Dkt. # 49).) Defendants KPSI Innovations, Inc., James Klein, Serina Klein, and Kevin Klein (collectively, "Defendants") declined to stipulate to the extension. (*See id.* at 1.) The court has considered CEMCO's submission, the relevant portions of the record, and the governing law. Being fully advised, the court GRANTS CEMCO's motion.

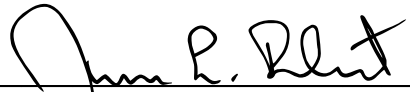
"District courts have broad discretion in managing their dockets and enforcing their scheduling orders." *Saroyan Lumber Co. v. El & El Wood Prods. Corp.*, 126 F.

1 App’x 371, 372 (9th Cir. 2005). Federal Rule of Civil Procedure 6(b) provides that the  
2 court may, for good cause, grant extensions of time “with or without motion or notice . . .  
3 if a request is made[] before the original time or its extension expires.” Fed. R. Civ. P.  
4 6(b). This rule “[is] to be liberally construed to effectuate the general purpose of seeing  
5 that cases are tried on the merits.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253,  
6 1259 (9th Cir. 2010) (quoting *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir. 1983)).  
7 “Consequently, requests for extensions of time made before the applicable deadline has  
8 passed should ‘normally . . . be granted in the absence of bad faith or prejudice to the  
9 adverse party.’” *Id.* (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal*  
10 *Practice and Procedure* § 1165 (3d ed. 2004)).

11 Here, the good cause standard applies because CEMCO filed its motion before the  
12 deadline to file its second amended complaint passed. The court concludes that CEMCO  
13 has shown good cause to grant the requested extension. CEMCO provided notice of this  
14 action to third-party Clarkwestern Dietrich Buildings Systems LLC (“ClarkDietrich”) on  
15 November 1, 2023, the day after the court granted in part Defendants’ motion to dismiss.  
16 (*See generally* Order (Dkt. ## 46 (sealed), 48 (redacted)).) Counsel for ClarkDietrich  
17 responded on November 8, 2023 “indicating that ClarkDietrich needed additional time to  
18 consider the terms and conditions on which [it] might join the case.” (Trojan Decl. (Dkt.  
19 # 50) ¶ 2.) CEMCO asked Defendants to stipulate to an extension of time on November  
20 10, 2023, but they declined to do so. (*See id.* ¶ 4.) The court finds that CEMCO has not  
21 acted in bad faith and that granting the motion will not result in undue prejudice to  
22 Defendants. For the foregoing reasons, the court GRANTS CEMCO’s motion for a

1 one-week extension to file a second amended complaint (Dkt. # 49). CEMCO may file a  
2 second amended complaint by no later than **November 20, 2023**.

3 Dated this 13th day of November, 2023.

4   
5 JAMES L. ROBART  
6 United States District Judge  
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